



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** March 30, 2006

Approved

*Deanna Padua*

Date:

*3/30/06*

## SUPPLEMENTAL MEMO

**COUNCIL DISTRICT: 5**  
**SNI AREA: MAYFAIR**

**SUBJECT: PDC04-088. PLANNED DEVELOPMENT REZONING FROM A(PD) PLANNED DEVELOPMENT DISTRICT TO A (PD) PLANNED DEVELOPMENT DISTRICT TO MODIFY DEVELOPMENT STANDARDS AND ALLOW THE ADDITION OF 3 UNITS TO THE PREVIOUSLY APPROVED PLANNED DEVELOPMENT ZONING FOR A TOTAL OF 78 SINGLE-FAMILY ATTACHED RESIDENCES ON A 1.44 GROSS ACRE SITE ON THE WEST SIDE OF MCCREERY, 230 FEET SOUTHERLY OF ALUM ROCK AVENUE.**

## REASON FOR SUPPLEMENTAL MEMO

This item was considered by the Planning Commission on February 22, 2006, at which time the Commission voted to recommend that the City Council approve the Planned Development Zoning as recommended by staff with Development standards providing for removal of the proposed 0.27 acre park and the addition of up to 15 additional residential units, for a total of 93 single-family attached units.

Staff 's recommendation included the expansion of the residential use into Area A (see attached Exhibit A), where the park was previously approved, and included the following changes to the applicant's proposal: the addition of 15 residential units and common open space to serve the overall project, a height limit of 40 feet, and building setbacks for Area A.

Since the Planning Commission hearing, the applicant has proposed changes to the Draft Development Standards for Area A. These changes include a height limit of 55 feet and minor changes to the side setbacks.

## ANALYSIS

Staff has revised the Draft Development Standards to accommodate the applicant's proposed setbacks for Area A (see attached Development Standards). Staff does not believe that the

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proposed 55-foot height limit is appropriate for all of Area A and is recommending a modified height limit that allows buildings up to 55 feet in height on a portion of the area, but would require the building to step down to 40 feet within 35 feet of the eastern property line and within 45 feet of the southern property line. The intent of staff's recommendation is to step the project down at these edges to provide an appropriate relationship to the single-story homes to the south and east (diagonally across from the project site), but to allow taller building elements adjacent to future development anticipated along Alum Rock Avenue. A pending Planned Development Zoning (File No. PDC05-112) for the adjacent property located immediately to the north of the project site would allow for the reconstruction and expansion of the Calderon Tire Facility with two-story buildings.

### **RECOMMENDATION**

Staff recommends that the City Council approve the subject Planned Development Zoning with Development Standards that include the following modifications for Area A:

- 1) Minor changes to the side setbacks as proposed by the applicant
- 2) A maximum height limit of 40 feet within 35 feet of the eastern property line and within 45 feet of the southern property line and a height limit of 55 feet for the remainder.



JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

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**PLANNED DEVELOPMENT ZONING PDC04-088  
DRAFT DEVELOPMENT STANDARDS**

**Area A** - that section of the site that is within approximately 100 feet of McCreery Avenue.

**Area B** – all of the site area not included in area A.

**I. LAND USE**

**Permitted Uses:**

Residential –

Area A and B- up to 93 attached single or multi-family units and/or common open space.

**II. DEVELOPMENT STANDARDS**

**1. Perimeter Setbacks**

Front (East) McCreery Avenue

Building, balconies, Podium - 15 feet

Rear (West)

Building - 10 feet

Balcony - 8 feet

Podium - 5

Side

**Area A –**

North side:

Building, Balcony and Podium - 10 feet

South Side:

Building and Balcony - 10 feet

Podium - 5feet

**Area B –**

North and South sides

Building – 15 feet

Balcony - 8 feet

Podium - 5 feet

East side connecting to north property line

Building, Balcony and Podium 10 feet

East side connecting to south property line

Building – 15 feet

Balcony – 8 feet

- Podium – 5 feet  
\* All setbacks shall be measured from the property line.

Minor architectural projections – Minor architectural projections, such as chimneys and bay-windows may project into any setbacks or building separation by no more than 2' 0" for a horizontal distance not to exceed 10' 0" in length, no more than 20 % of the building elevation.

2. **Maximum Building Heights.**

Area A - Building elements/structures that are within 35 feet from the eastern property line (McCreery Avenue) and 45 feet from the southern property line shall not exceed 40 feet in height. Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, stairwells and other devices) shall be permitted to project above this height limits to a height of 55 feet to create architectural variation.

Area B – Building elements/structures that are within 45 feet from the southern property line shall not exceed 40 feet in height. Non-habitable architectural projections and special treatments (e.g., chimneys, weather vanes, cupolas, stairwells and other devices) shall be permitted to project above this height limits to a height of 55 feet to create architectural variation.

All other areas on the site shall have a maximum height of 55 feet

3. **Minimum Parking Requirements.**

Studio	1.4 spaces per unit
One Bedroom	1.5 spaces per unit
Two Bedroom:	1.8 spaces per unit
Three Bedroom	2.0 spaces per unit

4. **Common Open Space.**

Minimum area designated for common open space – 100 square feet per unit.

**III. PARKLAND DEDICATION ORDINANCE**

This subdivision is subject to the requirements of the Parkland Dedication Ordinance (Chapter 19.38 of Title 19 of the San Jose Municipal Code,) for the dedication of land or payment of fees in lieu of the dedication of land for park purposes, under the formula contained with that Chapter. Prior to approval of the Final Map for this subdivision, subdivider shall enter into a parkland agreement with the City to the satisfaction of the Director of Public Works in order to fulfill the requirements of the Parkland Dedication Ordinance.

#### **IV. AFFORDABLE HOUSING**

The project is located within the Mayfair Strong Neighborhoods Initiative Redevelopment Area. Prior to the approval of a Planned Development Permit, the property owner shall ensure that at least 20 percent of the units in the subject development are affordable to persons and families of low or moderate income as required by State law for the required time period by recording an affordability agreement on the property or by entering into an agreement with the City of San Jose to the satisfaction of the Director of Housing.

#### **V. PUBLIC WORKS REQUIREMENTS AND OFF-SITE IMPROVEMENTS AT PLANNED DEVELOPMENT PERMIT STAGE**

1. **Sanitary:** The developer is required to submit plan and profile of the private sewer mains with lateral locations for final review and comment prior to construction.
2. **Transportation:** Prior to the issuance of Public Works Clearance, a contribution of \$20,000 will be required for the installation of the new traffic signal at Alum Rock Avenue and McCreery Avenue.
3. **Soils:** The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.
4. **Flood: Zone: A0, Depth 1:** At the PD permit stage, the property frontage must be elevated to 94' which is the base flood elevation.

#### **VI. ENVIRONMENTAL MITIGATION**

1. **Tree Mitigation.** Trees approved for removal shall be replaced as follows.
  - Each tree between 12 inches and 18 inches in diameter removed shall be replaced with two 24-inch box trees.
  - Each tree 18 inches or greater in diameter shall be replaced by four 24-inch box trees.
2. **Noise.**

- Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.
- To reduce interior noise levels to 45 dB DNL, the project shall utilize windows and doors opening to the outside with STC ratings of 25 dB for reasonable noise control. Party wall assembly shall have several inches of air space, fiberglass insulation and minimal structural connections to meet the 50 dBA STC requirement. Fire stops between units should not provide a strong structural connection. That is, they should be of lightweight material, such as sheet metal or fiberglass that cannot conduct low frequency sound and vibration between units.

### 3. **Hazardous Materials.**

Additional site investigation activities, including ground penetrating radar and magnetometer survey as recommended by the Phase I environmental study, to determine the nature of the vertical pipe will be conducted prior to issuance of a Planned Development Permit to the satisfaction of the Director of Planning. The project shall implement all feasible recommendations.

## **VII. WATER POLLUTION PLANT NOTE**

Pursuant to Part 2.75 of Chapter 15.12 of the San José Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the City Manager make a determination that the cumulative sewage treatment demand on the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said plant will cause the total sewage treatment demand to meet or exceed the capacity of the San José-Santa Clara Water Pollution Control to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantial conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.